B. Election

Applicants elect, with traverse, to prosecute Group I, including claims 1-10. This election is made without prejudice to Applicants' right to prosecute the inventions of Groups II and III in any continuation patent application retaining co-pendancy and retaining benefit of the original priority date.

Nevertheless, Applicants respectfully request that the Examiner reconsider and withdraw this restriction requirement.

The Examiner has the discretion to prosecute all of the pending claims in a single patent application. As noted by the Manual of Patent Examining Procedure ("MPEP" v7.1) at Section 803, there are two criteria that should be met for a proper restriction requirement: "(A) The inventions must be independent ... and (B) [t]here must be a serious burden on the examiner if restriction is required ... ." (emphasis added).

It is respectfully urged that a search of the art that is directed to the invention of elected Group I, will certainly overlap any search directed to the subject matter of the invention of Groups II and III. Indeed, with respect to Groups II and III, the Examiner has identified the exact same class and group of subclasses as that for Group I. It is urged, therefore, that there is certainly no hardship with regard to combining these groups when the exact same areas will be searched regardless of the selection. Even if the Examiner is unconvinced that all three groups should be examined at the same time, the case for examining Groups I and III at the same time is compelling. There can be no doubt that no undue hardship would result from this action because as will be appreciated by the Examiner, treatment of spinal cord injuries (Group I) is intimately tied to treating neurological conditions (Group III). There can no doubt that spinal chord injuries are neurological in nature. Indeed, the USPTO's own classification system places them in the same locations.

Thus, for reasons of efficiency in prosecution and searching, the Examiner is respectfully requested to avoid dismembering Applicants' patent application in this way, and to examine all claims in the instant application.

C. **Election of Species**

Applicants, in response to the requirement of election of species, elect to further prosecute in this case the species of clenbuterol as the β_2-adrenergic agonist, in the event that no generic claim is finally held allowable.

Claims 1, 4, 6, 7, 9, 11, 14, 16, 17, 21, 22, 25, 27, 28, 30, 32, and 33-35 are believed to currently read on the elected species.

This response to the requirement of election of species is also made with traverse. Reconsideration is therefore respectfully requested. It is believed that the claims specifically directed to all β_2-adrenergic agonists should be examined together and that the differences of species is not such as to require separate examinations. No separate search would be required because all claims include the same element, i.e., the β_2-adrenergic agonist, as set forth in the generic claims.

Specifically, to require a separate examination for each β_2-adrenoceptor agonist is believed to be unnecessarily duplicative and has not been required in the past. In their previous United States Patent 6,015,837 of, January 18, 2000, "Method for treating scoliosis with β_2-adrenoceptor agonists," Applicants claimed β_2- agonists as a class of agents that are similarly effective, since these are drugs designed to have the same biological effect, which is to bind and activate cellular β_2-adrenoceptors (also known as adrenergic β_2-receptors). See, for example, claim 1 thereof which includes a rather large Markush group of these active ingredients. These drugs have some structural differences that are not relevant to their biological effect regarding β_2-adrenoceptor activation. In addition, they presented evidence that several members of this class, i.e., clenbuterol and albuterol (salbutamol), are equally effective.

D. **Extension of Time**

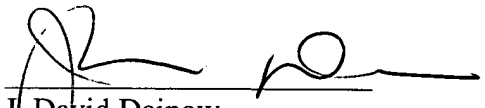
This response is being submitted with a petition for a one month extension of time and fee required thereof. No further fee is believed to be required. In the event that any further fee is due or any overpayment has been made, such fee may be debited or credited to deposit account No. 50-0518. No further fees are believed to be due. Authorization to charge additional fees, if required, to Deposit Account 50-0518 is provided on the Petition. Pursuant to 37 C.F.R. 1.136(a)(3), please treat this and any concurrent or future reply in this application that requires a petition for an extension of time for its timely submission as incorporating a petition for extension of time for the appropriate length of time. The fee associated therewith is to be charged to Deposit Account No. 50-0518.

E. AUTHORIZATION TO CHARGE FEES TO DEPOSIT ACCOUNT

Pursuant to 37 C.F.R. 1.25(b), please treat this and any concurrent or future reply in this application that requires any fee due during the entire pendency of this application as incorporating authorization to charge such fees to Deposit Account No. 50-0518.

Respectfully submitted,

STEINBERG & RASKIN, P.C.



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Enclosure